

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Katelyn M. Tyler, minor child of)	
Lynn Tyler,)	C/A No. 2:10-2218-MBS-RSC
Plaintiff,)	
)	
vs.)	
)	ORDER
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
_____)	

Plaintiff Katelyn M. Tyler, through Lynn Tyler, filed the within action on August 25, 2010, seeking judicial review of a final decision of Defendant Commissioner of Social Security denying retroactive benefits from her father's social security benefits. See Complaint, ECF No. 1. An application to proceed without prepayment of fees was filed by Lynn Tyler on August 25, 2010. See ECF No. 3.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On September 16, 2010, the Magistrate Judge issued a Report and Recommendation in which he noted that the application filed by Lynn Tyler showed a gross income of \$19,602.00 or take-home pay of \$520.00 bi-monthly. The Magistrate Judge determined that it appeared from the record that it does not appear that Plaintiff would be denied access to the courts by an inability to pay the filing fee of \$350.00. Accordingly, the Magistrate Judge recommended that the application to proceed without prepayment of fees be denied. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The application to proceed without prepayment of fees is **denied**. The case is recommitted to the Magistrate Judge for additional pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

October 14, 2010.